

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/129,448	MAHANY ET AL.	
	Examiner Toan D. Nguyen	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 3/16/05.
2.  The allowed claim(s) is/are 52-58, 60-61, 66-72, 74-75, 85-90 are renumbered 1-24, respectively.
3.  The drawings filed on 04 August 1998 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 6/14/05.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

***Examiner Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael T. Cruz on June 14, 2005.

2. The application has been amended as follows:

**IN THE CLAIMS:**

In claim 55 line 11, delete "the cost" and insert --- a cost ---.

In claim 56 line 11, delete "the frequency" and insert --- a frequency ---.

In claim 58 line 11, delete "the size" and insert --- a size ---.

In claim 60 line 11, delete "the cost" and insert --- a cost ---.

In claim 61 line 11, delete "the frequency" and insert --- a frequency ---.

In claim 85 line 2, delete "the frequency" and insert --- a frequency ---.

In claim 87 line 2, delete "the size of the data" and insert --- a size of the delivered data ---.

The above examiner's amendment was made to clarify the claims.

***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance:

Regarding claim 52, the prior art fails to teach a combination of the steps of: wherein at least one of said plurality of access devices selectively migrates processing resources to support future processing requests, in the specific combination as recited in the claim.

Regarding claim 54, the prior art fails to teach a combination of the steps of: wherein at least one of said plurality of access devices selectively migrates program code, in the specific combination as recited in the claim.

Regarding claim 55, the prior art fails to teach a combination of the steps of: wherein at least one of said plurality of access devices considers a cost of re-obtaining data before selecting which data to store, in the specific combination as recited in the claim.

Regarding claim 60, the prior art fails to teach a combination of the steps of: wherein at least one of said plurality of access devices considers a cost of re-obtaining data before selecting which data to store, in the specific combination as recited in the claim.

Regarding claim 61, the prior art fails to teach a combination of the steps of: wherein at least one of said plurality of access devices considers a frequency that the stored data is requested before selecting what stored data to delete, in the specific combination as recited in the claim.

Regarding claim 66, the prior art fails to teach a combination of the steps of:

selectively migrates processing resources via at least one of the plurality of access devices to support future processing requests, in the specific combination as recited in the claim.

Regarding claim 68, the prior art fails to teach a combination of the steps of:

selectively migrates program code via at least one of the plurality of access devices, in the specific combination as recited in the claim.

Regarding claim 69, the prior art fails to teach a combination of the steps of:

considering a cost of re-obtaining data via the at least one of said plurality of access devices before selecting which data to retain, in the specific combination as recited in the claim.

Regarding claim 74, the prior art fails to teach a combination of the steps of:

considering a cost to re-obtain the retain data via the at least one of said plurality of access devices before selecting which data to delete, in the specific combination as recited in the claim.

Regarding claim 75, the prior art fails to teach a combination of the steps of:

considering a frequency that the retained data is requested via the at least one of said plurality of access devices before selecting which retained data to delete, in the specific combination as recited in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Toan U. Phan*  
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MARY EXAMINER